

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1210

Introduced by Assembly Member Nakano

February 21, 2003

An act to amend ~~Section 8201~~ *Sections 8201 and 8203.1* of, and to add Section 8201.2 to, the Government Code, relating to notaries public.

LEGISLATIVE COUNSEL'S DIGEST

AB 1210, as amended, Nakano. Notaries public: qualifications.

Existing law establishes the qualifications for notaries public and requires, among other things, that the person have satisfactorily completed a written examination prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public.

This bill would also require any person, in order to qualify as a notary public, to have satisfactorily completed a *6-hour* course of study approved *or provided* by the Secretary of State concerning the functions and duties of a notary public *prior to his or her reappointment. The bill would also require a person who applies for reappointment as a notary public to complete a 3-hour refresher course.*

The bill would require the Secretary of State to review any course of study proposed *by a vendor* pursuant to the bill, to approve any course of study that includes all material that a person is expected to know to satisfactorily complete the written examination, and to compile a list of all persons offering approved courses.

The bill would authorize the Secretary of State to charge a fee for approval of a course of study. The bill would prescribe a specified civil penalty for violation of the provisions of the bill by a person who provides notary public education.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8201 of the Government Code is
2 amended to read:
3 8201. (a) Every person appointed as notary public shall meet
4 all of the following requirements:
5 ~~(a)~~
6 (1) Be at the time of appointment a legal resident of this state,
7 except as otherwise provided in Section 8203.1.
8 ~~(b)~~
9 (2) Be not less than 18 years of age.
10 ~~(c)~~
11 (3) Have satisfactorily completed a *six-hour* course of study
12 approved by the Secretary of State pursuant to Section 8201.2
13 concerning the functions and duties of a notary public.
14 ~~(d)~~
15 (4) Have satisfactorily completed a written examination
16 prescribed by the Secretary of State to determine the fitness of the
17 person to exercise the functions and duties of the office of notary
18 public. All questions shall be based on the law of this state as set
19 forth in the booklet of the laws of California relating to notaries
20 public distributed by the Secretary of State.
21 (b) (1) *Each applicant for notary public shall provide*
22 *satisfactory proof that he or she has completed the course of study*
23 *required pursuant to paragraph (3) of subdivision (a) prior to*
24 *approval of his or her appointment as a notary public by the*
25 *Secretary of State.*
26 (2) *An applicant for notary public who holds a California*
27 *notary public commission, and who has satisfactorily completed*
28 *the six-hour course of study required pursuant to paragraph (1) at*
29 *least one time, shall provide satisfactory proof when applying for*
30 *reappointment as a notary public that he or she has satisfactorily*



1 *completed a three-hour refresher course of study prior to*
2 *reappointment as a notary public by the Secretary of State.*

3 SEC. 2. Section 8201.2 is added to the Government Code, to
4 read:

5 8201.2. (a) The Secretary of State shall review the course of
6 study *and any refresher course* proposed by any ~~person~~ vendor to
7 be offered pursuant to ~~subdivision (e) paragraph (3) of~~
8 *subdivision (a) and paragraph (2) of subdivision (b)* of Section
9 8201. If the course of study includes all material that a person is
10 expected to know to satisfactorily complete the written
11 examination required pursuant to ~~subdivision (d) paragraph (4) of~~
12 *subdivision (a)* of Section 8201, the Secretary of State shall
13 approve the course of study.

14 (b) (1) *The Secretary of State shall, by regulation, prescribe an*
15 *application form and adopt a certificate of approval for the notary*
16 *public education course of study proposed by a vendor.*

17 (2) *The Secretary of State may charge a fee not to exceed five*
18 *hundred dollars (\$500) to cover the actual cost of approving the*
19 *proposed courses of study.*

20 (3) *The Secretary of State may also provide a notary public*
21 *education course of study.*

22 (c) The Secretary of State shall compile a list of all persons
23 offering an approved course of study pursuant to subdivision (a)
24 and shall provide the list with every booklet of the laws of
25 California relating to notaries public distributed by the Secretary
26 of State.

27 (d) (1) *A person who provides notary public education and*
28 *violates this section, or any of the regulations adopted by the*
29 *Secretary of State for approved vendors is subject to a civil penalty*
30 *not to exceed one thousand dollars (\$1,000) for each violation.*

31 (2) *The local district attorney, city attorney, or the Attorney*
32 *General may bring a civil action to recover the civil penalty*
33 *prescribed pursuant to this subdivision.*

34 SEC. 3. Section 8203.1 of the Government Code is amended
35 to read:

36 8203.1. The Secretary of State may appoint and commission
37 notaries public for the military and naval reservations of the Army,
38 Navy, Coast Guard, Air Force, and Marine Corps of the United
39 States, wherever located in the state; provided, however, that ~~such~~
40 *the* appointee shall be a citizen of the United States, not less than

- 1 18 years of age, and must meet the requirements set forth in
- 2 *paragraphs (3) and (4) of subdivision ~~(e)~~ (a) of Section 8201.*

